

# EXHIBIT K

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.;

3:17-cv-00939-WHA

OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF MATHEW HENLEY

FRIDAY, DECEMBER 22, 2017

Reported by:

Anrae Wimberley

CSR No. 7778

Job No. 2771361B

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1 that I'm limiting this to collection based on these 16:44:23  
2 objectives.

3 I'm simply asking you right now, based on  
4 this product -- this project, which was -- the  
5 autonomous project was Zoo, I believe you said that 16:44:35  
6 you understood that there was research that was  
7 going to be done on some of the leading companies in  
8 that space, including Google or Waymo --

9 A. Yes.

10 Q. -- and that you believe that the code name 16:44:52  
11 Giraffe refers to Google or Waymo.

12 A. Um-hum.

13 Q. So I think that's been established by your  
14 testimony.

15 A. Yes. 16:45:02

16 Q. Now, in light of that project, are you  
17 aware of Uber uncovering any confidential  
18 information of Waymo's?

19 A. I'm not aware of any confidential  
20 information. 16:45:17

21 Q. Are you aware of any trade secret  
22 information of Waymo's being uncovered in connection  
23 with this effort to conduct research into the  
24 autonomous space?

25 A. "Trade secret" is something I need help 16:45:29

1 with the definition on specifically. 16:45:33

2 Q. Well, do you have a concern or belief that  
3 there was some type of information of Waymo's that  
4 was uncovered? Because I can just work backwards.

5 Why don't you tell me all the information 16:45:55  
6 related to Waymo that you believe was uncovered as a  
7 result of these efforts.

8 A. All of our efforts against Waymo that I'm  
9 aware of occurred in public space.

10 Q. And when you say "public space," you're 16:46:12  
11 referring to surveillance?

12 A. Yeah, observation.

13 Q. So observation of vehicles?

14 A. Yes.

15 Q. And so you're not aware of any other 16:46:19  
16 research activity or surveillance or investigative  
17 tool that was utilized against Waymo other than this  
18 physical surveillance of vehicles; is that correct?

19 A. Yeah.

20 Q. So anything that you observed would have 16:46:32  
21 been the observation of these vehicles in the public  
22 space?

23 A. Yes, driving around.

24 Q. And based on that, are you aware of having  
25 discovered any trade secrets of Waymo? 16:46:43



1 would be we would monitor GitHub, which is a source 16:49:36  
2 code repository. The public GitHub. We would  
3 monitor the public Web and -- you know, looking for  
4 context that would be usually inadvertently dropped  
5 out of there by an engineer, et cetera. 16:50:00

6 Q. Did you ever -- looking at that sentence,  
7 do you agree that little, if any, protected data or  
8 technical information regarding Waymo has leaked  
9 into the public domain?

10 A. To the best of my knowledge, we've never 16:50:31  
11 run across any -- anything that I would consider  
12 protected data through something like our GitHub  
13 public monitoring or web scraping.

14 Q. Let me ask you to turn to page 627.  
15 Actually, just for context, please turn to 626. And 16:50:55  
16 you'll see this references is a two-prong collection  
17 method. Prong 1 is "Establish and maintain the  
18 baseline." And 2 refers to "Internal resources."

19 And then, under 2, it says, "In order to  
20 build the subject matter expertise necessary to 16:51:23  
21 drive collection, SSG would like to meet on a  
22 semi-routine basis with our own AV experts at  
23 Iden I, Iden J, and elsewhere."

24 Do you know who those companies are?

25 A. I don't know if they are -- if they are 16:51:37

FEDERAL CERTIFICATE OF DEPOSITION OFFICER

I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby declare:

That, prior to being examined, the witness named in the foregoing deposition was by me duly sworn pursuant to Section 30(f)(1) of the Federal Rules of Civil Procedure and the deposition is a true record of the testimony given by the witness;

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to text under my direction;

--X--- That the witness was requested to review the transcript and make any changes to the transcript as a result of that review pursuant to Section 30(e) of the Federal Rules of Civil Procedure;

----- No changes have been provided by the witness during the period allowed;

----- The changes made by the witness are appended to the transcript;

----- No request was made that the transcript be reviewed pursuant to Section 30(e) of the Federal Rules of Civil Procedure.

I further declare that I have no interest in the event of the action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

WITNESS my hand this 26th day of December, 2017.



ANRAE WIMBERLEY, CSR NO. 7778